

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NICHOLAS MORRISSEY,

Plaintiff,

v.

JEROME WALSH; DISTRICT
ATTORNEY OF LUZERNE COUNTY and
ATTORNEY GENERAL OF THE STATE
OF PENNSYLVANIA,

Respondents.

No. 3:11-CV-919

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

ORDER

NOW this 20th day of October, 2011, upon review of Magistrate Judge Smyser's Report and Recommendation (Doc. 5) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 5) is **ADOPTED**.
- (2) This case is **DISMISSED WITHOUT PREJUDICE**.



A. Richard Caputo
United States District Judge